

REMARKS

Claims 1, 3-11, and 15 have been amended. Claims 2 and 12-14 were previously canceled. An Abstract has been added. The Specification has been amended. No new matter has been added. Thus, claims 1 and 3-11 are pending in this application. The Applicants would like to thank the Examiner for the allowance of claims 15-17. It is respectfully submitted that based on the above amendments and the following remarks that all the pending claims in the present application are in condition for allowance.

The Examiner stated that the first page of the WO 03/083859 document was improper under 37 C.F.R. 1.72 because it is not on a separate sheet. The present response includes a replacement abstract to the previous abstract.

The Examiner stated that the heading for the brief description of the drawings is not included. However, under 37 C.F.R. 1.77(b), it is respectfully submitted that the headings are not required as “the specification of a utility application *should* include the following sections in order” and “the lettered items *should* appear in uppercase...” (emphasis added) The Applicants respectfully decline to include the headings.

The Examiner stated that the specification did not include a statement of continuing data. The present response includes a new paragraph including this information.

The Examiner stated that the non-patent literature references cited on the IDS PTO-1449 form filed on 9/22/06 were not considered because these references were not found in the image file wrapper. However, it is respectfully submitted that the unavailability in the image file wrapper is not due to the Applicants’ failure to submit them. As shown on the USPTO PAIR system, the non-patent literature references were submitted on 6/20/06. However, for the Examiner’s convenience, the NPL literature references listed on the previous IDS PTO-1449 form are being resubmitted with the present response.

The Examiner stated that the specification contained a further non-patent reference. The Applicants respectfully submit a new IDS PTO-1449 that further includes this reference to comply with 37 C.F.R. 1.98(b). A copy of the reference is also included.

The Examiner objected to the specification because the specification contains legal phraseology. However, it is respectfully submitted that there is no provision under either the patent statutes (35 U.S.C. et seq.), the C.F.R., or the M.P.E.P. that precludes the use of legal phraseology. Accordingly, the Applicants respectfully decline not to amend these phrases.

The Examiner objected to the specification because there appears to be some faint overprinting on top of the words “number of scale searches” that affect the legibility on page 3, line 1. It is respectfully submitted that the originally submitted specification did not contain this overprinting. It is also respectfully submitted that the faint overprinting appears to be from a stamping of the document by the PTO. However, for the Examiner’s convenience, a clean copy of page 3 of the specification is being resubmitted.

The Examiner objected to the specification because page 6, line 4 refers to Fig. 3 when the figures are actually Fig. 3a and Fig. 3b. The specification has been amended to address this objection.

The Examiner objected to claims 1, 3-11, and 15. Claims 1, 3-11, and 15 have been amended according to the Examiner’s suggestions. Thus, it is respectfully submitted that the Examiner should withdraw the objection of claims 1, 3-11, and 15.

The Examiner rejected claims 1 and 3-11 under 35 U.S.C. § 101 as unpatentable because the claimed invention is directed to non-statutory subject matter. Specifically, claims 1 and 3-11 lack a useful, concrete, and tangible result. Claim 1 has been amended to recite “the estimate compensating for the linear time scale change in the received signal.” As amended, the usefulness of knowing the range of estimates is realized. Thus, it is respectfully submitted that claim 1 and all depending claims 3-11 are in condition for allowance.

CONCLUSION

In view of the above remarks, it is respectfully submitted that the presently application is in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

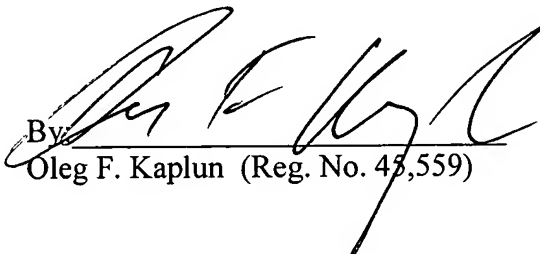
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